

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

HENRY HINTON, JR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:16-cv-15-DCB-MTP
APPEAL NO. 17-60027

SHELTON JOLLIFF

DEFENDANT

ORDER AMENDING ORDER [46] DENYING
PLAINTIFF'S MOTION [44] TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Having reviewed the Order [46] entered April 7, 2017, denying Plaintiff's Motion [44] to Proceed *In Forma Pauperis*, the Court finds that the Order [46] will be amended to include a payment schedule. *See Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997).

For the reasons stated in the Order [46], the Court determined Plaintiff's appeal is not taken in good faith and thus, his Motion [44] to Proceed *In Forma Pauperis* was denied. As noted in the Order [46] even though this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the applicant may challenge this finding pursuant to Fed. R. App. P. 24(a)(5), **by filing a separate motion to proceed IFP on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.** *See also Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997)

The Order [46] entered April 7, 2017, is amended as follows: The calculation of the cost for Hinton to file a motion to proceed *in forma pauperis* on appeal with the Fifth Circuit is calculated below, and if the appellant moves to proceed on appeal *in forma pauperis*, the prison authorities will be directed to collect the fees as calculated in this order.

If Hinton files a separate motion to proceed *in forma pauperis* on appeal with the Clerk for the Fifth Circuit, he is assessed an initial partial fee of \$0.00. The agency having custody of the prisoner shall collect this amount from the trust fund account or institutional equivalent, when funds are available, and forward it to the clerk of the district court.

Thereafter, the prisoner/appellant shall pay \$505.00 balance of the appeal fee, in periodic installments. The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until appellant has paid the total appeal fee of \$505.00. The agency having custody of the prisoner shall collect this amount from the trust fund account or institutional equivalent, when funds are available and when permitted by 28 U.S.C. § 1915(b)(2), and forward it to the Clerk of the district court, 501 E. Court Street, Suite

2.500, Jackson, Mississippi 39201.

If the appellant moves to proceed on appeal *in forma pauperis*, the clerk shall mail a copy of this order to the inmate accounting office, Premier Supply Link For MDOC Inmate Accounts, P.O. Box 97538, Pearl, Mississippi 39288, or other person(s) or entity with responsibility for collecting and remitting to the district court interim filing payments on behalf of prisoners, as designated by the facility in which the prisoner is currently or subsequently confined.

SO ORDERED, this the 19th day of April, 2017.

s/David Bramlette
UNITED STATES DISTRICT JUDGE